



AN ACT CREATING A GRANT PROGRAM FOR EMERGENCY MEDICAL SERVICE PROVIDERS; ESTABLISHING ELIGIBILITY REQUIREMENTS AND REVIEW CRITERIA; CREATING A GRANT REVIEW COMMITTEE; AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES; PROVIDING A CONTINGENT APPROPRIATION; PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Legislative findings -- purpose. The legislature finds that the provision of prehospital emergency medical service is a critical component of Montana's health care system because these prehospital services can improve the medical outcomes for people suffering medical emergencies and may improve the safety of motorists on Montana roads by providing emergency response to vehicle crashes. The legislature further finds that emergency medical service providers in many of Montana's rural areas have difficulty in continuing their operations because of demographic and economic circumstances. It is the purpose of [sections 1 through 8] to establish a grant program that will support emergency medical service providers by creating a source of funds to cover the costs of buying and maintaining the equipment that an emergency medical service needs in order to be ready to respond to calls.

Section 2. Definitions. As used in [sections 1 through 8], the following definitions apply:

- (1) "Aircraft" has the same meaning given in 67-1-101. The term includes any fixed-wing airplane or helicopter.
- (2) (a) "Ambulance" means a privately or publicly owned motor vehicle or aircraft that is maintained and used for the transportation of patients.
- (b) The term does not include:
 - (i) a motor vehicle or aircraft owned by or operated under the direct control of the United States; or
 - (ii) air transportation services, such as charter or fixed-based operators, that are regulated by the federal

aviation administration and that offer no special medical services or provide only transportation to patients or persons at the direction or under the supervision of an independent physician.

(3) "Board" means the Montana state board of medical examiners provided for in 2-15-1731.

(4) "Department" means the department of transportation provided for in 2-15-2501.

(5) "Emergency medical service" means a prehospital or interhospital emergency medical transportation or treatment service provided by an ambulance or nontransporting medical unit.

(6) "Emergency medical technician" means a person who has been specially trained in emergency care in a training program approved by the board and licensed by the board as having demonstrated a level of competence suitable to treat victims of injury or other emergent condition.

(7) (a) "Emergency response vehicle" means a vehicle used for the dedicated purpose of responding to emergency medical calls.

(b) The term does not include a vehicle used for an individual's personal purposes.

(8) "Nontransporting medical unit" means an aggregate of persons who are organized to respond to a call for emergency medical service and to treat a patient until the arrival of an ambulance. Nontransporting medical units provide any one of varying types and levels of service defined by department of public health and human services rule but may not transport patients.

(9) (a) "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated or helpless.

(b) The term does not include an individual who is nonambulatory and who needs transportation assistance solely because that individual is confined to a wheelchair as the individual's usual means of mobility.

(10) "Person" means an individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or organization of any kind, including a governmental agency other than the United States.

(11) "Volunteer emergency medical technician" means an individual who is licensed pursuant to Title 50, chapter 6, part 2, and provides emergency medical care:

(a) on the days and the times of the day chosen by the individual; and

(b) for an emergency medical service other than:

(i) a private ambulance company, unless the care is provided without compensation and outside of the individual's regular work schedule; or

(ii) a private business or a public agency, as defined in 7-1-4121, that employs the individual on a regular basis with a regular, hourly wage to provide emergency medical care as part of the individual's job duties.

Section 3. Emergency medical services grant program -- eligibility -- matching funds. (1) The department shall provide competitive grants to emergency medical service providers for acquiring or leasing ambulances or emergency response vehicles or for purchasing equipment, other than routine medical supplies, for any of the following purposes:

- (a) training;
- (b) communications; or
- (c) providing medical care to a patient.

(2) A licensed emergency medical service may apply for a grant if:

- (a) it has been in operation at least 12 months;
- (b) it bills for services at a level that is at least equivalent to the medicare billing level; and
- (c) a majority of its active emergency medical technicians are volunteer emergency medical technicians.

(3) An emergency medical service is ineligible for grant funding if it is either a private business or a public agency, as defined in 7-1-4121, and employs the majority of its emergency medical technicians on a regular basis with a regular, hourly wage.

(4) An eligible emergency medical service applying for a grant under this section shall provide a 10% match for any grant funds received.

(5) The department, using the review process provided for in [sections 4 and 5], shall award grants on an annual basis.

(6) Up to 5% of the annual appropriation for the program may be distributed for emergency purposes each year as provided in [section 8].

Section 4. Grant review committee -- reimbursement. (1) The department shall establish a grant review committee to evaluate applications and make grant award recommendations to the department.

(2) The grant review committee shall consist of the following members, selected in a manner that achieves the geographic and demographic representation of all regions of the state, including urban, rural, and tribal areas:

- (a) one member of the department;
- (b) one member of the department of public health and human services;
- (c) one member of the department of public health and human service's EMS advisory committee;
- (d) a representative of an emergency medical service from each of the six emergency medical service regions established by the department of public health and human services; and
- (e) one member appointed by the board.

(3) The grant review committee's recommendations are not binding on the department, but when a recommendation is not followed by the department, the department shall provide the reasons to the grant review committee and to the emergency medical service that did not receive a recommended grant award.

(4) Members are entitled to reimbursement for expenses, as provided in 2-18-501 through 2-18-503, while engaged in committee business. The department shall pay the expenses from the appropriation for the emergency medical services grant program.

Section 5. Grant review criteria. When evaluating grant applications and recommendations, the grant review committee and the department shall consider the following factors:

- (1) demonstrated need;
- (2) size of the geographic area covered by the emergency medical service;
- (3) distance from other emergency medical service providers in the geographic region;
- (4) distance from the closest hospital;
- (5) number of calls in the previous calendar year; and
- (6) number of volunteer emergency medical technicians on the active call roster.

Section 6. Grant awards -- appeals. (1) If the department fails to award a grant recommended by the grant review committee, the emergency medical service provider that was recommended for the award may appeal the decision in writing to the director of the department.

(2) After considering the emergency medical service provider's appeal and the rules in place for reviewing and awarding grants, the director shall affirm or deny the appeal in writing.

(3) There is no further appeal if the director denies the appeal.

Section 7. Rulemaking authority. (1) The department shall adopt rules necessary for the administration of [sections 1 through 8].

- (2) The rules must include but are not limited to:
- (a) the selection process for the grant review committee;
 - (b) the weighting of the criteria listed in [section 5] for scoring purposes;
 - (c) allowable reasons for not awarding a grant as recommended by the grant review committee;
 - (d) the appeal process for an emergency medical service provider that does not receive a grant as recommended by the grant review committee; and
 - (e) reporting requirements for grant recipients.

Section 8. Emergency grant appropriations. (1) In a documented situation that the department considers to be an emergency for which an eligible emergency medical service provider cannot pay, the department may provide funding to repair or replace a vehicle or equipment that has been damaged or destroyed.

(2) Emergency funding may be provided only for vehicles or equipment eligible for grant funding, as provided in [section 3].

(3) Normal replacement of an ambulance or equipment may not be considered an emergency.

Section 9. Coordination instruction. If House Bill No. 2 is not passed and approved or if House Bill No. 2 does not contain an appropriation of \$1 million for each fiscal year for the purposes of [this act], then there is appropriated from the highway nonrestricted account provided for in 15-70-125 to the department of transportation the difference between \$1 million in each fiscal year and the amount appropriated in House Bill No. 2 for the purposes of [this act].

Section 10. Codification instruction. [Sections 1 through 8] are intended to be codified as an integral part of Title 61, chapter 2, and the provisions of Title 61, chapter 2, apply to [sections 1 through 8].

Section 11. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe.

Section 12. Effective date. [This act] is effective July 1, 2009.

Section 13. Termination. [Sections 1 through 8] terminate June 30, 2011.

- END -

I hereby certify that the within bill,
HB 0085, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2009.

President of the Senate

Signed this _____ day
of _____, 2009.

HOUSE BILL NO. 85

INTRODUCED BY D. SANDS

BY REQUEST OF THE CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE

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